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Docket No.: M4065.0369/P369-A  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Shane J. Trapp

Examiner: Lynette Umez Eronini

Application No.: 10/006,704

Art Unit: 1765

Filed: December 10, 2001

For: METHOD AND COMPOSITION FOR  
PLASMA ETCHING OF A SELF-ALIGNED  
CONTACT OPENING

**CONFIRMATION OF TELEPHONIC CONFERENCE WITH EXAMINER ON  
AUGUST 18, 2004**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant's undersigned representative acknowledges with appreciation the telephonic conferences conducted with the Examiner on August 16, 2004, August 17, 2004, and August 18, 2004 in connection with the above-referenced application. In the August 18, 2004 telephonic conference, the Examiner stated that Applicant's after-final amendment filed on August 9, 2004 would not be entered.

The Examiner, however, indicated that she would instead withdraw the finality of the Office Action dated May 19, 2004, and issue a non-final Office Action. She stated that the claims presented in the non-final Amendment filed February 27, 2004 would be the ones under consideration in a forthcoming non-final Office Action.

The Examiner stated the reason she was not entering the claims submitted in the August 9, 2004 after-final amendment was because they would require further search and consideration. The Examiner also stated that she did not address that the flow rate claim language was for "intended use" and thus, not having patentable weight to a composition.

The Examiner indicated she would fax over an unofficial copy of the non-final Office Action to the Applicant's undersigned representative on August 23, 2004. Applicant's undersigned representative looks forward to receiving the official non-final Office Action, as well.

Dated: August 19, 2004

Respectfully submitted,

By 

Thomas J. D'Amico

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